HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH

SINGLE BENCH: HON'BLE SHRI S.R. NAYAK, CJ.

WRIT PETITION NO. 1003 OF 2006

PETITIONER Ghanshyam Soni, age-29 Yrs, Severe Mental Retarded Person/ Unsound Mind, Through His Father Shri Radhey Sahyam Soni, Age-50 Yrs.
S/O Late Kashi Ram Soni, R/O Nawapara, Surajpur, Distt. Surguja C.G.

Vs.

RESPONDENT

1. The State of Chhattisgarh,
Through The Principle Secretary,
Ministry of Health, D.K.S.
Mantralaya Bhawan, Raipur.
2. The Collector,
Ambikapur,
Distt.:- Surguja (C.G.)

Present: Shri J.A. Lohani, learned counsel for the petitioner.
Shri Vinay Harit, learned Dy. A.G. for the State.

ORAL ORDER
(Passed on 3rd April, 2006)

The only reason which persuaded the Court to entertain this writ application was the submission of the learned counsel for the petitioner that the State Government of Chhattisgarh State has not constituted Authorization Committee under the Transplantation of Human Organs Act, 1994 (Act No.42 of 1994) (for short "the Act") and, therefore, the petitioner could not approach the Authorization Committee for the relief sought by him in this writ petition. That submission is now found to be incorrect. The Government of Chhattisgarh under the Notification No. F 21-4/2003/IX/55 dated 14th July 2003 in exercise of powers conferred by clause (b) of sub-Section (4) of Section 9 of the Act has constituted an Authorization Committee consisting of (1) Collector, Raipur, (2) Dean,

Medical College, Raipur, (3) Head of the Department of Medicine, Medical College, Raipur, (4) Head of the Department of Pathology, Medical College, Raipur and (5) Head of the Department of Forensic Medicine, Medical College, Raipur. The petitioner without approaching the said Authorization Committee has straightaway approached this Court. In that view of the matter, I dismiss the writ petition. It was stated at the Bar that the petitioner has already made an application on 27.03.2006 and the same is pending before the Authorization Committee. The Authorization Committee is directed to consider and dispose of the said application, as expeditiously as possible, at any rate, within a week from the date of receipt of a copy of this order.

Sd/-
Chief Justice

brajesh